



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## THE COURT OF STAR CHAMBER <sup>1a</sup>

THE Court of Star Chamber won enough prominence and enough odium in the sixteenth and early seventeenth centuries to obtain formal abolition by act of Parliament in 1641. It has left its name to later times as a synonym for secrecy, severity, and the wresting of justice. It was the subject of much contemporary description and discussion and indications of its activity meet us at every turn in the records of that period. It has also been described by several modern writers. Yet contemporary writers were interested principally in the technicalities of its procedure and modern scholars have devoted themselves largely to the difficult questions of its origin and authority. Common knowledge therefore remains relatively inadequate and inaccurate. It has gained a name for secrecy whereas its sessions were open practically to all comers. Its action is generally supposed to have been tyrannical and irregular, yet its procedure was quite as formal as that of any other court of equity. It is frequently thought of as in some way exceptional, yet no branch of the government was more clearly an outgrowth of the period in which it flourished.

The object of this paper is therefore to describe in the light of the abundant records in existence the Court of Star Chamber during the seventy-five years in which its place and time of meeting, its constitution, functions, and procedure were all well settled, and to point out its connection with the life of that period.

Star Chamber, the building in which this court sat and from which it took its name was one of that confused group of halls, court-rooms, galleries, chambers, passageways, and chapels that grew up in the course of centuries about the old palace of Edward the Confessor at Westminster. It was built in 1347 and was known from the time of its first construction by the name of Star Chamber, Starred Chamber, or as it appears more commonly in the French and Latin records of that time, *la chaumbre esteillée*, *la chambre des esteilles*, or *camera stellata*.<sup>1</sup> It was just such a building as the Painted Chamber, the White Hall, the King's Oratory, St. Stephen's Chapel, the Bell Tower, or any of the other parts of the old complex

<sup>1a</sup> A paper read at the annual meeting of the American Historical Association, December 30, 1912.

<sup>1</sup> W. P. Baildon, *Les Reportes del Cases in Camera Stellata*, from the MS. of John Hawarde, pp. xlii-xlvi, 453-464.

of government buildings; and the origin of its name, like theirs, must be inferred from some peculiarity of structure; doubtless in this case from its ornamentation. It was situated at the extreme southeast corner of the group of buildings, just above the present abutment of Westminster bridge, and its windows looked out on the one side on the Thames, on the other on what is still known as Old Palace Yard. It survived until 1836 when with other adjacent old buildings it was torn down. Its former location is now shown by a tablet in the wall of the Parliament buildings.

In this room on every Wednesday and Friday during term time, and occasionally on one or two extra days at the close of the term, the court gathered. The law or court terms were the four periods in the year when all the courts at Westminster held their sessions. On January 23 began Hilary term, continuing three weeks. Then, after the spring vacation, came Easter term, continuing something more than three weeks, till Ascension Day. Trinity term covered another period of three weeks, falling in June or July according to the date of Easter. After the "long vacation", on October 9 began Michaelmas term, the longest of the year, lasting seven weeks.<sup>2</sup>

During these four periods Westminster Hall and its surroundings took on an activity quite in contrast with the relative torpor of the vacation periods. Judges, men of the law, suitors, witnesses, and all those drawn by their interests into this concourse thronged the old buildings and the adjacent streets. The Court of King's Bench, of Common Pleas, and of Chancery had each its place of sitting in the Great Hall; the Court of Requests and the Court of Wards and Liveries sat in the White Hall, and the Court of Exchequer held its sessions in an adjacent building. Analogous to these courts, and not far away, sat the Court of Star Chamber.

The fact that the Court of Star Chamber sat only twice a week, on Wednesdays and Fridays, not every day in term time, as did the other courts, is explained by the peculiar position of its judges. They were busily engaged on the other days of the week in other parts of the work of government. The Court of Star Chamber was simply a special Wednesday and Friday session of the Privy Council. The difference between the ordinary meetings of the Privy Council and the Court of Star Chamber was not a difference of men, but a difference of time and place of sitting, of procedure, and above all of functions. The Council met usually where the sovereign was, throughout the year, in frequent sessions. It became the Court of Star Chamber when on two days weekly during some sixteen weeks in the year its members betook themselves to Westminster and sat

<sup>2</sup> Sir Thomas Smith, *De Republica Anglorum*, lib. 11., chs. 10-11.

in Star Chamber for judicial purposes. The Council exercised a general, widely extended administrative power; the Council at its meetings in the Star Chamber was a court of justice with a settled body of legal precedents and practices.

In addition to the privy councillors there were regularly summoned to the meetings in Star Chamber the chief justices of the courts of King's Bench and Common Pleas, or two other justices of the law-courts in their place. As a typical session may be taken that of January 30, 1594, in the second week of Hilary term, when the court consisted of Sir John Puckering, lord keeper of the great seal, Archbishop Whitgift, the Earl of Essex, master of the horse, the Earl of Nottingham, lord admiral, Lord Buckhurst, Sir Thomas Heneage, vice chamberlain, Sir John Fortescue, Sir Robert Cecil, the queen's secretary, and Chief Justices Popham and Peryam—ten persons in all.<sup>3</sup> The number present, however, varied from five or six to twelve or even fifteen or eighteen members. The attorney-general was usually present, although only as an adviser or prosecutor, not as a member of the court.

The addition of the judges to their membership and the presence of the principal law-officer of the crown were a great convenience to the councillors. Technical points of law were often referred to the judges for advice, and they freely volunteered their opinions on such points. Occasionally they were written to by the Council before a Star Chamber session, and asked to look up the law on certain matters about to come up there. The Council at its regular sessions often got into deeper legal waters than it felt safe in and was glad to put off something "till the next Star Chamber day, when some of the judges shall be present to give their opinions upon certain points of the controversy".<sup>4</sup>

There was no doubt in the minds of any of those present however that the Court of Star Chamber was a court of justice. In its other sessions the Council might investigate, exercise discipline, subject to torture, rebuke, put under bonds, or keep culprits in prison till they yielded to its commands, but it did not formally inflict bodily punishment or impose a term of imprisonment or a fine. Here however by well established precedent it possessed a power of punishment extending to all lengths short of the death penalty, and a jurisdiction limited only by its own will. In 1598 the court at a full session made a ruling that if any official or any subject of the realm should misdemean himself in any manner the Court of Star

<sup>3</sup> Baildon, *Les Reportes*, p. 3.

<sup>4</sup> *Acts of the Privy Council* (new series), VII. 154, 164, 169; VIII. 234; XVIII. 110, 124.

Chamber had power to examine and punish him. It had an unbounded pride and assurance of power.<sup>5</sup>

At the meetings of the Court of Star Chamber the lord chancellor was the presiding officer. All the other councillors, even though they were noblemen or prelates of the highest degree, as well as the assisting justices, awaited his coming before entering the room and taking their seats. Lord Chancellor Ellesmere had the distinction of never failing during twenty years to be ready and present at the usual hour of opening the court, awaiting the other councillors in the Inner Star Chamber. The great seal and the chancellor's mace were carried before him, he wore his hat even when he spoke in court, though all other councillors removed theirs, he summoned the judges who were to take part in the Star Chamber sessions, he chose the attorneys who should be permitted to speak before the court, he directed the whole progress of suits, he closed the series of sentences, and in case of a tie he gave the deciding vote.<sup>6</sup>

The "Clerk of the Council in Star Chamber" held a position only second to that of the councillors themselves. He sat in the chamber to attend to routine business on days when the court was not sitting, and on days when it did sit he wore his velvet gown and participated in many of the responsibilities, honors, and privileges of the members of the court.

The attendance of the sovereign in person at the Court of Star Chamber was extremely unusual. Elizabeth never attended, and James and Charles only in a few exceptional cases. The royal arms and a vacant chair with the mace and purse lying before it, however, attested the theoretical presence of the king or queen and the dignity of the court as clothed with all the sovereign's power. This dignity was well preserved. The court was a formal and orderly assemblage and all speeches made were in restrained and sober language and in the midst of the profound silence of all present except the speaker. Even when, in the midst of the session of April 27, 1632, some mice came from behind the king's arms and one of them, after running along a beam, dropped on the back of Lord Chief Justice Richardson, the incident, so tempting to careless risibility, only served to point a reference in the speech of the archbishop to the human vermin he was just sentencing to fine and punishment. June 21, 1602, certain ridiculous matter inserted by the plaintiff in his appeal moved the court to momentary laughter. The lord keeper said, "Although it be goode to be merrie some time,

<sup>5</sup> Baildon, *Les Reportes*, p. 98.

<sup>6</sup> Hudson, *A Treatise on the Court of Star Chamber*, pt. 1., sect. 6, in *Col-lectanea Juridica*, vol. II.

and this be St. Barnabas' daye, the longest daye in the year, yet let us not spende the whole day in this place with wordes to no purpose", and so they returned to work. In respect of sobriety this court bears a pleasing contrast to the Court of High Commission of the time, where the judges, even Bishop Laud, were often noisy, hectoring, coarse-grained and foul-mouthed.<sup>7</sup>

Contrary to prevalent modern opinion and in contrast with the regular meetings of the Council Board, the sessions of the Court of Star Chamber were open to the public. The situation of the Star Chamber itself on the extreme edge of the group of Westminster buildings gave ready access to it to all, except for the control exercised by the usher of the chamber. We hear of that official receiving profitable fees for providing convenient seats or standing-room for young noblemen and gentlemen "which flock thither in great abundance when causes of weight are there heard and determined". At times, when interesting cases were to be before the court, people came as early as three o'clock in the morning to get places. The House of Lords, when Parliament was in session, frequently adjourned over Star Chamber days, principally for the purpose of allowing those noblemen who were also councillors to attend to their duties there, but also doubtless to allow the lords who might be interested in the proceedings to be present. There are many other indications of the publicity of its sessions. When the queen wished to have the misdemeanors of Archbishop Grindal brought to the attention of the public, it is declared that he is to appear and answer thereunto in that public place. When the councillors think certain scandalous speeches that have been reported to them should be punished openly for the sake of example, they send the matter to Star Chamber. The Earl of Essex, in 1601, made it his first petition and looked upon it as his greatest favor that he was not humiliated by being summoned publicly into that tribunal. Sir John Smythe complains that he has been brought "into a public audience in the Star Chamber", when he might fairly have anticipated that his case would have been considered in some more private way. The Court of Star Chamber was as public as any other court.<sup>8</sup>

The usual morning session of the court began at nine and closed at eleven o'clock. Between the morning and afternoon sessions the members of the court withdrew to the Inner Star Chamber for an excellent dinner; for by old established custom a special dinner was served on Star Chamber days to the councillors and judges present,

<sup>7</sup> Manningham, *Diary*, p. 53; Gardiner, *Reports of Cases in Star Chamber* (Camden Society, 1886), p. 138; Baildon, *Les Reportes*, p. 147.

<sup>8</sup> Hudson, pt. 1., sect. 7, p. 48; D'Ewes, *Journals*, pp. 67-68; Strype, *Grindal*, p. 234.

the clerk of the court, and occasionally to the queen's law-officers and one or more other guests. Like all forms of expenditure, the cost of these dinners rose rapidly through the sixteenth and early seventeenth centuries. While the average cost to the treasury of such a dinner about 1500 was £2, at the accession of Elizabeth, it was about £5; by 1580 it had risen to £8 or £10, while in 1588 it averaged £18 and before the century was over sometimes ran as high as £21. The dinners on the thirty-six Star Chamber days of 1588, the Armada year, cost £622 12s. Calculating the number of persons present and transferring this sum into modern values, this would equal a price of about \$30 a cover for each meal. Numerous itemized accounts survive. A typical menu in Hilary term, 1594, when fifteen members were present, consisted of two hundred pounds of beef, thirteen joints of mutton and nine joints of veal, besides lamb, marrow bones, tongue, bacon, oysters, three kinds of poultry, eight kinds of game, pastry, oranges and lemons, ale, beer, and four varieties of wine. This was for Wednesday. On Friday, which was a fish-day, there were twenty-two kinds of fish, besides lamb, veal, and game, which in these post-reformation days do not seem to have been regarded as meat. All this was set out with plate, napery, perfumes, and various expensive forms of service, all paid for at excessive rates. Much of this wholesale provision doubtless remained over and found its way as perquisites to servants and followers, or as alms to beggars. Yet it is also to be remembered that this gross gluttony, shameful waste, and reckless expenditure on the part of a few favored officials extended through the very period when the queen's soldiers and sailors at sea, in France, the Netherlands, and Ireland were dying without sufficient food or pay; when the salaries of lower officials were far in arrears, and when England was losing golden opportunities to crush her enemies for lack of money to use when and where it was needed. The thrifty soul of Burleigh, it is true, did revolt at these expenditures, as is indicated by his many annotations on the accounts; and as a matter of fact the custom of dining at the Star Chamber was suspended for a time, though it was subsequently resumed and continued to be the custom.<sup>9</sup>

Such being the time, place, constitution, and external practices of the Court of Star Chamber, the next important question that arises is the nature of the cases that came before it. In describing these no better procedure can be adopted than that of a certain writer who practised before the court at the most critical period of

<sup>9</sup> Cora L. Scofield, "Star Chamber Dinners", *AMERICAN HISTORICAL REVIEW*, V. 83-95 (1899); *Cal. St. P. Dom.*, 1601-1603, p. 245; Lansdowne MSS., I. 109.

its history and rose to be its clerk. In his own analysis of its powers he says:<sup>10</sup>

If on the one side I shall diminish the force or shorten the stretching arm of this seat of monarchy, I should incur not only the censure of gross indiscretion and folly, but also much danger of reprehension; and if on the other side I should extend the power thereof beyond the due limits, my lords the judges and my masters the professors of the common law will easily tax me for encroaching upon the liberty of the subject, and account me not only unworthy of the name of my profession, but of the name of an Englishman. . . . Therefore to avoid all offence, I will . . . declare, as briefly as I can, what matters are there usually determined.

Following Mr. Hudson's plan it will be perceived that the cases that are usually determined in Star Chamber, although at first sight of almost endless variety, really fall into two very general classes: first, cases of breach of public order; secondly, cases of violation of royal commands.

Riots, or assaults, which were not very clearly discriminated from them, were perhaps the most familiar, unquestioned, and natural occasions of Star Chamber action. Justice Shallow, stung by Falstaff's reckless beating of his men, killing of his deer, and kissing of his keeper's daughter, protests, "I will make a Star Chamber matter of it; if he were twenty Sir John Falstaffs he shall not abuse Robert Shallow, Esquire. . . . The Council shall hear it; it is a riot." In earlier times riots had occupied much of the attention of the Council both in and out of Star Chamber, but even in the comparatively orderly days of Elizabeth, James, and Charles there were many riotous disturbances connected with hunting, with enclosures, with disputes as to the ownership of land, the use of churches and churchyards, and a score of other occasions, all of which brought their harvest of complaints to the Court of Star Chamber. Such were the cases of Lord Dudley who in 1586 gathered six hundred of his tenants and friends and drove off the sheep and cattle of a rival, or Lovelace who in 1596 took ten men and violently released two of his followers who had been placed in the stocks by Lady Russell, or certain townsmen of Berkshire who used violence in enforcing their traditional right to kill rabbits in a certain warren, notwithstanding the grant possessed by its owner from the queen. Young noblemen and gentlemen and their trains of followers who indulged in private conflicts found their way from the London magistrates or the Marshalsea to the Council and from the Council to Star Chamber, where they were properly fined and otherwise punished or bound over to keep the peace. Such was the case

<sup>10</sup> Hudson, pt. II., sect. I, p. 49.



of a group of young gentlemen who in July, 1600, were punished because they sat up in the Mermaid tavern in Bread Street eating and drinking till two o'clock in the morning and then ran through the streets with their rapiers drawn, beat the watch, and uttered seditious words.<sup>11</sup>

The conception of riotous proceedings as being proper objects of punishment by the Court of Star Chamber was extended to a number of other actions not technically riots or assaults, yet in their nature, origin, or accompaniments analogous to such disorders. Conspiracy, fraud, perjury, subornation of perjury, forgery, counterfeiting, threats, attacks upon men in authority, waylaying, challenges to duels—all shared, apparently, in the minds of the councillors the character of violence, and all were habitually punished in the Court of Star Chamber. The law-officers of the crown were especially inclined to prosecute offenders against the dignity of judges or other persons connected with the courts. An angry litigant who in 1602 attempted to stab a lawyer who had spoken against him was brought before Star Chamber and sentenced to have his ears cut off and to be imprisoned for life. One man had his ears nailed to the pillory at Westminster for traducing Lord Chief Justice Popham, another was sent to the pillory for saying Lord Dyer was a corrupt judge, another for writing a letter to Coke charging him with chicanery in practice, still others for writing a letter to the Mayor of Wallingford charging him with injustice, and for speaking disrespectfully to the Lord Mayor of London in the wrestling place at Clerkenwell. Forgery is also an exceedingly common offense and frequently and severely punished.<sup>12</sup>

A still less tangible form of disorder, yet one which was brought constantly into Star Chamber, was libel or slander. It was a period of libels. When Falstaff threatened Prince Hal and his companions, "An I have not ballads made on you all and sung to filthy tunes, let a cup of sack be my poison", it was not merely an idle old reprobate's vain speech. While he was ranting on the stage, a Sussex man was duly fined and forced to pay damages in Star Chamber for making up some verses about a neighbor: "Her face is long, her browes are black, her high wooden heeles they are in the fault", with a scurrilous refrain, set to the tune of "Tom of Bedlam". He had not only made and copied the verses, but showed them to Mrs. Palmer as he was in her shop "buying of sugar". In 1627 three

<sup>11</sup> Gardiner, *Reports of Cases in Star Chamber*, pp. 145-146; Rushworth, *Historical Collections*, vol. III., appendix; Baildon, *Les Reportes*, pp. 49, 114; Lansdowne MSS., vol. LXXXIII., ff. 209-210.

<sup>12</sup> Hudson, pt. II., sect. 11; Lansdowne MSS., vol. VI., f. 33; Rushworth, *Hist. Coll.*, vol. III., app., p. 9 [8, 11].

London men were punished because "they did publish, divulge and sing several Libels to the Scandal of the Plaintiff in several ale-houses, and particularly one entitled 'A proper Song of a great Blockhead Woollen-Draper, dwelling in Holborn, who gave a Tailor's Wife a Yard of Old Frieze for a Jerkin', containing further matter unfit to be repeated in Star Chamber."<sup>13</sup> This was but one form of what Hudson calls the "infinite precedents" of libel. They range all the way from a case where horns were set up at the gate of a man unhappily married, to the personating of the Earl of Lincoln in a play; from an abusive letter written to a rival and signed "Tom-tell-Troth" to the action of a poor servant in York sent to buy a quart of wine, who stopped on his way, listened to the reading of a scurrilous paper, laughed at it, and was punished in Star Chamber for sharing in a libel. If a hot reformer was dissatisfied with the conservative party he "putt forth a ballet" against it. Sir John Harington makes a memorandum in his diary of his own somewhat inconsistent intentions. "I will write a damnable storie and put it in a goodlie verse about Lorde A. He hath done me some ill turnes. God keepe us from lying and slander-worke." The queen's attorney declares in 1602 that there are more infamous libels now than in all preceding ages. Next to riot and forgery it is more frequently punished in Star Chamber than any other single offense.<sup>14</sup>

So much for cases which were in some way connected with public order. Another whole class of cases the Court of Star Chamber seems to have taken up from quite a different motive, the enforcement of royal authority. Punishment for the violation of royal proclamations was a simple form of such cases. Such proclamations or ordinances had been issued and were being issued from time to time on a variety of subjects. In 1580 Queen Elizabeth issued a proclamation forbidding any increase in the number of houses or lodgings in London, the opinion being then widely held that the population of the city was already larger than could be properly fed or kept in order. A subsequent edict to the same effect was issued in 1598 and others by James and Charles in 1609 and later. But rents in London were high, and teeming as its narrow streets and alleys already were, there was a constant influx of people and an almost overwhelming demand for houses or lodgings. The royal decrees were therefore frequently disobeyed and in numerous instances this disobedience was punished in Star Chamber. October 28, 1598, two Londoners, Messrs. Griffin and Scripps, were indicted

<sup>13</sup> Gardiner, *Reports of Cases in Star Chamber*, pp. 149, 152; Rushworth, *Hist. Coll.*, vol. III., app., p. 6.

<sup>14</sup> Hudson, pt. II., sects. 10, 11; Harington, *Nugae Antiquae* (1792), II. 210; Baildon, *Les Reportes*, pp. 143, 152.

before Star Chamber and fined £20 each, the former for erecting a new tenement in Hog Lane and renting several rooms to two poor tenants; the latter for dividing an old house in Shoreditch in such a way as to rent it out to seventeen tenants, "base people", as they are described in the charge. As late as 1634 men were still being punished for the same offense, a gentleman named Moor being fined £1000 in that year because he had built thirty coach-houses and stables and twelve new buildings for tenants in the parish of St. Martins in the Fields and refused to pull them down when the proclamation was reissued. A case based on the same principle came up in the Easter term of 1634. Fifteen soap-boilers in London were fined, imprisoned, and forbidden any longer to carry on their trade of soap-making, because, against the king's proclamation that only olive-oil and rape-oil should be used in soap-making, they had used fish-oil, and had further increased their criminality by meeting in a tavern and in quite modern fashion agreeing not to sell their soap at less than a certain price.<sup>15</sup>

In the same year a country squire named Palmer was brought before Star Chamber, fined £1000, and imprisoned for some time in the Fleet. He had violated the successive proclamations of James and Charles requiring gentlemen who owned estates in the country to live upon them by taking up his abode for several years in London. As a result of several unfortunate quarrels, on January 26, 1614, King James issued a decree against duelling. Soon afterward several men were fined £1000 each and imprisoned in the Tower for its violation.

The frequent punishments for engrossing grain and other articles of food, forestalling the market, and in other ways making the prices of the necessities of life higher than they need be were based on the numerous and ancient proclamations of the sovereigns forbidding men to hold back foodstuffs when they were needed by the community. The punishment in this court of those who issued unlicensed books was in the same way based on the decrees of 1566, 1569, and 1586 regulating the censorship of the press.

Closely connected with this guarantee of the force of decrees was the oversight of the validity of royal charters and their interpretation. Any person who disregarded or misinterpreted a charter of the king could be looked upon as a "contemner of the king's broad seal", and therefore was naturally brought to trial in the court one of whose special functions it was to enforce royal authority. Thence came the long disputes of the Staplers and Merchant Adventurers

<sup>15</sup> Rushworth, *Hist. Coll.*, vol. III., app., pp. 54, 60, 106, 109; *Yorkshire Arch. Journal*, XV. 450 (1899).

before Star Chamber in 1504 and 1510, between certain government monopolists, London merchants, and the German merchants of the Steelyard in the latter part of the reign of Queen Elizabeth, between different factions in chartered towns, and between various chartered companies during the whole later history of the court.

Such being the principal classes into which the varied jurisdiction of the Court of Star Chamber falls, it becomes necessary to pay some attention to its procedure.<sup>16</sup> Cases came before the court either as matters of public concern or as matters of private relief or satisfaction. Cases of the first kind were introduced by the attorney-general, those of the second by counsel representing the private party interested. The procedure was exactly the same in the two cases. A case might be brought to the notice of the attorney-general who then drew up a bill of complaint against the defendant. Or a private person might wish that someone who had offended him should be punished, and he then through private counsel laid his complaint before the court. The Court of Star Chamber was a criminal, not a civil, tribunal, yet the offenses of which it took cognizance were of such a kind as frequently to serve for the relief of private injuries. Its reputation for granting liberal damages doubtless induced many persons to bring private cases before it.

The procedure of the court was similar to that of the Court of Chancery. It savored far more of the Roman than of the common law. "The civilian's rule" was quoted with approbation by lawyers practising before it; the leading part in it was taken by the lord chancellor; and the more elastic nature of its jurisdiction and its practice was characteristic of a court of equity rather than of the common law. The petition or complaint was known as a bill; it must be written on parchment, signed by counsel, and filed with the clerk. It must allege only offenses properly punishable by the Court of Star Chamber and only such as the complainant held himself ready to prove. Otherwise he was in danger of being punished for bringing a false charge, which was not an infrequent occurrence.<sup>17</sup> A writ of subpoena was then sent to the defendant, requiring his attendance in person on a certain day. In earlier times this appearance was always actually before the court or the council or the lord chancellor in his own house; by the time of James the appearance was made before the clerk of the court only, and somewhat later, since a fee of ten shillings was payable, defendants of any standing were actually waited upon by the under-clerk at their lodgings to enter their appearance.

<sup>16</sup> Hudson; Lansdowne MSS., vol. 639, ff. 1-22, "The Course . . . in the Highe Court of Star Chamber".

<sup>17</sup> Rushworth, *Hist. Coll.*, vol. III., app., pp. 2, 38.

The defendant must enter into bonds to remain within reach of the court. He now had an opportunity to see and copy the charge against him, and within eight days he must file an answer to it, confessing its truth, demurring to it, or denying it. This answer must, like the complaint, be written on parchment, signed by counsel, and accompanied with an oath to its truth and to the willingness of the defendant to answer truthfully any interrogatories upon it. The formulation of these interrogatories by the plaintiff or his counsel was the next stage of the trial. Upon them the defendant was examined privately by the examiner, an official of the court, neither his counsel nor any co-defendant being present to advise him as to his answer. Nor did he or his counsel have any knowledge of what these interrogatories were to be till they were read to him by the examiner at a private conference. He must simply answer briefly each question as it was put to him, and then sign his answers as they were recorded by the examiner. As a matter of very general favor the interrogatories instead of being put to the defendant by one of the two examiners of the court at Westminster were placed in the hands of four commissioners, two chosen by each party from a list of six submitted by his opponent. These men acting under a formal commission issued under the great seal and provided with all the papers in the case, examined the defendant privately where he lived or at some place agreed upon by both parties and returned their formal written report to the clerk of the Court of Star Chamber. The plaintiff was then allowed to see the answer of the defendant to the interrogatories; and might if he wished put in a reply or a "replication" to this answer; the defendant was then allowed to draw up a "rejoinder" to this replication, and indeed a "surrejoinder", "rebuttal", and "surrebuttal" were provided for, though these last processes at the time of the greatest activity of the court had long become antiquated.

Next came the examination of witnesses; this followed the same general forms as the examination of the defendant. Either the examiner of the court or special commissioners examined such witnesses as were brought to their notice by either plaintiff or defendant, witnesses were then examined on oath and secretly, and their testimony, like that of the principals, written down and returned by the examiner or commissioners to the court. It is doubtless this private interrogation of defendant and witnesses without the presence of counsel that has given rise to the familiar modern expression of "Star Chamber proceedings", as meaning secret and irregular methods of examination and decision.

These examinations concluded the formulation of the case. The

plaintiff then entered his case in a general book kept by the clerk of the court. The lord chancellor from time to time examined this book and selected from it the cases to be brought up at the next Star Chamber day. Prosecutions brought by the attorney-general had precedence, and such others as seemed to the lord chancellor to need most immediate relief were taken in their order, one being usually set down for each Star Chamber day.

When a case was to be disposed of, the defendant was summoned by writ of subpoena to be present at the bar of the court on the appointed Star Chamber day. The case was then opened by the clerk of the court, the documents concerned with it read, or so much of them as the counsel for plaintiff or defendant asked for. Counsel also spoke in prosecution and defense, and answered such questions as were put to them by the judges of the court.

The course of procedure in Star Chamber was intended to be summary and inexpensive, but here as elsewhere court pleadings ran occasionally to very great length. A charge brought in 1596 against the Dean of Worcester and some others, accusing them of libel, "rehearsed all their lives", asked for the examination of 77 witnesses, and required 155 interrogatories on one side and 125 on the other. The Council complained that four subsidies could be paid or twenty cavalry horses provided for the defense of the realm at a less cost than the expense of these proceedings. Lord Burleigh measured in open court a bill charging certain men with perjury. It covered four skins of parchment and was found to be "nine foote longe". Stringent rules for simplicity were issued, but proceedings continued to be of abnormal length, and we hear of sittings from nine in the morning to six at night on one case.<sup>18</sup>

According to this regular procedure neither plaintiff, defendant, nor witnesses appeared before the court itself at any stage of the proceedings until the final appearance of the defendant at the bar at the close of the case. The whole series of proceedings: bill, answer, interrogatories, replication, rejoinder, and examination of witnesses, was carried out by subordinate officials of the court and prepared by them for its consideration. The court dealt only with documentary material. It was not in consonance either with the great position of the councillors as ministers of state or with the disciplinary functions they were fulfilling, that they should come into personal contact with this multitude of offenders, or should have to consider the undigested details of the cases. Their work in the Star Chamber was after all a part of their work as councillors and although it had to do immediately with individuals, its ultimate ob-

<sup>18</sup> Baildon, *Les Reportes*, pp. 11, 54.

ject was the good order of the community and the enforcement of administrative measures. Nor, as busy officials with many other duties, could they have given the necessary time for the hearing of the complaints of plaintiffs, the explanations of defendants, and the testimony of witnesses. But there was one exception to this usual procedure. Occasionally a man was apprehended by some messenger of the government, brought before an official, and examined, though without oath, as to some action. If he acknowledged it he was brought to the bar of the Star Chamber, *ore tenus*, as it was called, to accept his punishment or to make his defense orally. Instances are by no means uncommon. In 1631 a farmer named Archer was brought before Star Chamber *ore tenus*, having confessed to enhancing the price of grain. He acknowledged his confession, submitted himself to the mercy of the court, and was sentenced to pay a fine of £100, to give £10 to the poor, and to stand in the pillory in three places, each for an hour, with a paper on his hat with the words, "For enhancing the price of Corne". Later in the same year nine others were brought before the court *ore tenus* and punished for the same offense. The next April a swashbuckling captain named Kelly was fined £200 and forced to apologize for writing a letter which was intended to call forth a challenge to a duel. During the performance of a play at Trinity College, Cambridge, he had jostled a certain Sir Arthur Gorge who had a lady on his arm at the time. Gorge threatened to cudgel him for the insult. Kelly wrote him a letter saying he was as good a gentleman as he, and would cudgel him when he got the opportunity. The attorney-general getting possession of this letter brought him before Star Chamber *ore tenus*, treating this letter as a confession. The personal presence of this defendant did not prove to be favorable to his cause, for although he pleaded that he was a soldier and did not know the laws and was but lately come home from service abroad, the lord chancellor not only scolded him and declared him guilty, but was scandalized by his "long ruffian-like haire", and wanted to order it cut, though the other councillors voted against this particular form of punishment.<sup>19</sup>

Such cases of personal attendance of culprits and summary settlement of the charges against them were, however, far from the typical form of procedure, which was rather that of the orderly written complaint, reply, and testimony, and the discussion of this written evidence, such as has been described. There was much objection to the *ore tenus* procedure even then, and various safeguards were thrown around it. It is not hard to see that it was

<sup>19</sup> Gardiner, *Reports of Cases in Star Chamber*, pp. 43-49, 82-89, 112-115.

likely to lead to abuses, as does its modern congener "the third degree". A man suddenly arrested and privately and skillfully examined, overwrought, and perhaps entrapped into an unintentional and injudicious confession, then retained in the custody of a pursuivant until he was brought, without counsel, into the presence of the most dignified persons of the kingdom, was but ill provided with even such poor protection as the practice of the common-law courts then gave to a culprit.

The examination of the case having been completed, whether *ore tenus* or according to the more usual written procedure, the members of the court proceeded to give their sentences or "censures", as they were usually called. The councillor lowest in rank or most recent in appointment spoke first. He usually stated his opinion of the nature of the crime and of the degree of guilt of the culprit, speaking often at considerable length, then proposing a punishment which he thought suitable to the offense. Those next in rank above him spoke in order, each speaker stating his opinion and agreeing with the first as to the amount of punishment, or proposing some increase or diminution of it. The archbishop always spoke next to last, if he was present, and the lord chancellor last of all. There were, as has been said, often ten or twelve, sometimes fifteen or eighteen judges to speak and each usually improved the occasion not only to analyze the case and to express his abhorrence of the wickedness of the offender, but to lay down general principles, quote from Scripture, the classics, or the fathers, and grieve over the evils of the times.

There are few better opportunities for insight into the prevailing offenses, opinions, prejudices, and manners of any period than an examination into the scattered records of the proceedings in the Court of Star Chamber. Right from the clear sky of sixteenth-century religion comes the testimony of a man named John Baldwin "who questioned whether there was a God, if there were how he should be known, if by his worde, who wrote the same, if the prophets and the apostles, they were but men *et humanum est errare*, and such like damnable doubts, not suffered to be reade in the hearing of this corte". The very next year, 1596, Robert Fisher uses before the court "the heretical and execrable words 'that Christ was no savior and the gospell a fable'".

When in a time of dearth the government exercised its usual authority to force the selling at a fair price of stored-up grain, a man declared, "My goodes are my owne; the justices nor the queene nor the Counsell have to doe with my goodes. I will doe what I liste with them." His faith in the unrestricted rights of property, however,



did not save him from being fined £100 by the court, put in bonds for good behavior, wearing a paper on his cap acknowledging that he was a regrater of goods, and confessing his fault in public. An evidence of the early odium of the principles set forth in *The Prince* is found in a session of the Star Chamber in 1595 when a scoundrel and turncoat is described as "a most palpable Macchiavellian". The Elizabethan interest in spelling is indicated by the attempt of the attorney-general to prove that a man is "no schollar, for that he wrote false ortography, because he spelled the action of the court 'prossus', whereas every scholler knoweth it should be 'proces', because it comes from *procedendo*". But as the critic spells scholar "schollar" in one place and "scholler" in another it is evident that the rules of etymology and spelling were not yet entirely fixed.<sup>20</sup>

The value placed upon social rank is indicated by the action of the court in transferring a case which threatened scandal to a nobleman to the Privy Council where it could be settled privately, if not so effectually. A regularly adjudicated case declares that if a man called his equal a liar it was a punishable offense, because it was evidently likely to produce a duel. If a man called his inferior a liar it was not punishable because a duel was inconceivable in such a case, and the superior was simply correcting a mistake on the inferior's part. But the strongest impression of the character of the age is drawn not from conspicuous, isolated cases, but from the steady, continuous discipline exercised by an all-powerful paternal government over a restless, contentious, ingenious people during a period of particularly sluggish morals.

No characteristic of the practice of the Court of Star Chamber has left a stronger impression upon posterity than the nature of its punishments. They were of four general types, imprisonment, money fines, public acknowledgment of offenses, and public humiliation. No form of punishment used in Star Chamber was probably unknown in other courts, but the irregularity of the cases that came before it, the absence of definite statutory punishment provided for them, and the disciplinary element involved in its action, of necessity led to a flourishing of bizarre and excessive sentences in the procedure of this court beyond any other tribunal in English history. Examples are only too readily found. For instance, a rogue who in 1629 had falsely accused various noblemen of participation with Felton and himself in the murder of the Duke of Buckingham, on confession was sentenced by the Court of Star Chamber to be fined £2000, to be whipped from the Fleet prison to Westminster, and

<sup>20</sup> Baildon, *Les Reportes*, pp. 16, 19, 41, 104.

there set on the pillory with one ear nailed to its frame. Then that ear was to be cut off, his nostrils slit, and his face branded with F on one cheek and A on the other, for False Accuser. He was then to be returned to the Fleet prison, whence he was later to be whipped to Charing Cross, there to be placed again on the pillory with his other ear nailed fast and subsequently cut off. Thence he was to be sent to the work-house at Bridewell, there to remain for the rest of his life. That such a preposterous punishment differed rather in degree than in nature from others at the time is however indicated by the fact that this same culprit had already been whipped in Sussex and burned on the shoulder at Huntingdon assizes for personating another man.<sup>21</sup> Every conviction in Star Chamber involved imprisonment for a longer or shorter period according to the will of the court or the pleasure of the sovereign. Imprisonment for life was not infrequently ordered, though probably not often actually enforced. Fines were usually of a considerable amount, one hundred, two hundred, and five hundred pounds being very usual sums. The liberal damages habitually given to injured complainants was doubtless one of the principal causes of the popularity of the court with those injured in any of the ways of which it would take cognizance. In 1631 Lord Falkland is given £3000 damages against Sir Arthur Savage for slander; Lord Savile is forced to pay £150 damages to a certain Sir John Jackson, whom he found hunting in a field of disputed ownership, struck with his sword, and pushed into a "plash of water". A man named Martin is forced to pay £100 damages to a neighbor and his wife for circulating libellous words about them.

Humiliating punishments extended all the way from requiring a cozening lawyer to confess his fault and wear a paper on his hat declaring his offense as he walked through Westminster Hall, or another to ride with his face to his horse's tail from Westminster Hall to Temple Bar and to be disbarred, to the most harsh and cruel whippings and suffering on the pillory. Standing in the pillory with a paper on his head stating his crime was a constantly imposed form of punishment. A harsher form required one ear to be nailed to the pillory while the culprit stood there. A still more severe requirement was cutting off one or both ears, or branding on the forehead or cheek letters indicating the offense. "The slavish habit of whipping", as a lawyer of the time calls it, was an increasingly frequent punishment in the later years of the life of the court and was, with the brutality of the time, inflicted upon women with especial frequency. "As to the woman, let her be whipped", "Let her

<sup>21</sup> Rushworth, *Hist. Coll.*, vol. III., app., p. 18.

AM. HIST. REV., VOL. XVIII.—50.

be whipped in the open street", "For Katherine, his wife, I hould her fitt to be made an example of so foule an offense. She shall therefore be well whipped at Exeter and Colehampton." "To be whipped and confess her fault", "to be whipped in Bridewell", "to be fined 500 marks, to lose both his ears upon the pillory, to be whipped and imprisoned till he can find sureties for his good behavior", "to stand on the pillory at Westminster with one ear nailed, and at the assizes in Somerset with the other ear nailed, and to be fined 100 pounds", "to walk through Westminster Hall with a paper on his head, and to have his eares nailed to the pillory", "1000 marks fine to the queen, 200 pounds to the plaintiff, imprisonment during pleasure, nailing in two places, to be pilloried at Westminster and whipped from thence to the Fleet", such are typical sentences of slanderers, forgers, and false swearers before Star Chamber between 1594 and 1600. In 1596 three men who had confessed to counterfeiting warrants of the principal members of the Council were sentenced to stand in the pillory, lose their ears, and be branded on the forehead with the letter F for forger, and then serve perpetually in the galleys. Lord Burleigh suggested in this case that inasmuch as such burnings die out in a short time the men should be scarified on the cheeks by a surgeon with the letter F, and that some powder be put in to color it so that it would never disappear. To their credit, the other councillors did not give their approval to this barbarous proposal.<sup>22</sup> Nevertheless we hear of a certain false accuser in 1595 who "after long imprisonment lost both ears on the pillory, was slit in the nose, branded on the forehead and condemned to further imprisonment for life". Sometimes the fanciful rather than the painful predominates in the sentences, as in the many cases of ordering men to ride with their faces to the horse's tail, or in the proposition of Lord Burleigh for the further punishment of two cheats, that he "would have those that make the playes to make a comedy thereof, and to acte it with there names".

The amount of money fines was graduated rather according to the need of impressing the community than in proportion either to the immediate offense or to the ability of the culprit to pay it, "*ut poena ad paucos, metus ad omnes perveniat*". In many cases, therefore, the amount was subsequently reduced, or probably in some cases pardoned altogether. Frequently indeed there was no choice. Those punished were so poor as to make the collection of a fine impossible. "It had neede be a hundred pound of wool", as the lord treasurer remarked when a very poor man convicted of forgery was sentenced to a hundred pounds fine. It was obviously futile to fine

<sup>22</sup> Baildon, *Les Reportes*, p. 38.

a group of workmen in London who according to their petition had "no means of livelihood but their fingerends" £500 a piece. Tables still remain showing the proportionate reduction of Star Chamber fines in a number of cases. Nevertheless they were strictly enough enforced to place in some cases a crushing weight on those subjected to them, and to form a not inconsiderable part of the income of the crown. For two of the four terms in 1596 they amounted to £1381, and for two terms in 1598 to £1979.

The number of suits tried in the Court of Star Chamber cannot be determined exactly, because of the imperfection of the records. It can be said however that the number bears full testimony to the litigiousness of our ancestors. Hudson in his quotation of precedents refers by name to upwards of two hundred cases, and says he could count a thousand instances of a certain form of procedure. There were something more than 30,000 cases entered during the reign of Elizabeth.<sup>23</sup> Rushworth in his *Collections* gives details of 160 cases in the early years of Charles I. The Court of Star Chamber meets us everywhere in the life of the closing decades of the sixteenth and the first forty years of the seventeenth century. Great cases and small come before it; the nobleman, the clergyman, the merchant, and the peasant are either plaintiffs or defendants. Its actions are quoted, prosecution before it is threatened, its punishments are familiar spectacles. It is an active, conspicuous, influential, and normal part of the government during that period.

It remains to describe briefly the sudden cessation of this activity, and to discover if possible the reason for the downfall of the Court of Star Chamber. There is but little evidence of any opposition to it till just before the end of its existence. The legal writers of the reigns of Elizabeth, James, and Charles: Camden, Smith, Crompton, Coke, Bacon, Hudson, Lambarde, all speak of the court in terms of the highest praise. Camden, about 1586, says of it, "If we look to its age it is most ancient; if we look to its dignity it is most honorable." Lambarde some five years later speaks of it in terms similar to those habitually applied to the queen herself, "this most noble and praiseworthy Court; the beames of whose bright Justice equal in beauty with Hesperus and Lucifer . . . do blaze and spread themselves as far as this Realme is long or wide". Coke says, "It is the most honourable Court (our Parliament excepted) that is in the Christian world, both in respect of the Judges of the Court, and of its honourable proceeding." Hudson writes as late as 1622, "Since the great Roman Senate . . . there hath no court come so

<sup>23</sup> *Cases before Star Chamber in the Reign of Elizabeth*, Publications of the Record Commission (3 vols.).

near them in state, honour, and judicature as this.”<sup>24</sup> The fact is that the Court of Star Chamber was so integral and consistent a part of the system of government in control of the destinies of England during the sixteenth century and the first four decades of the seventeenth, that there could be no opposition to it that was not directed against the whole system of autocratic monarchy. With the extension of this government in Church and State the Court of Star Chamber had grown and developed, and it was destined by the very logic of the case to stand or fall with it. The judges of the court were the ministers of the government. On Sunday, Monday, Tuesday, Thursday, and Saturday, they were the ministers who carried on the administration; on Wednesdays and Fridays, through much of the year, they were judges who enforced through judicial process their ideals as ministers.

Against this dominant system of government and against these ideals, there was it is true much opposition; opposition from the parliamentarian, from the Puritan, from a few common-law judges, from many lawyers, from a vast number of individuals of all classes in the country. But this opposition did not discriminate the Court of Star Chamber from the Privy Council, from the royalist decisions of the judges, from the high ecclesiastical claims of the bishops, from the autocratic powers of the crown. Yet as time went on, especially during the period from 1629 to 1640, when the antagonism of those in office and those opposed to them and their system was becoming constantly more accentuated; when Laud and the authorities of the established church were exercising all their powers to turn back the rising tide of Puritanism; when thousands of dissatisfied men were crossing the sea to New England to set up their own arbitrary standards in a new world; when the increasing bitterness and rapid development of party feeling can be traced everywhere from the split among the directors of the Virginia Company to the removal of Coke from his position as judge, it is no wonder that this difference of party was reflected in the actions of the Court of Star Chamber. There sat the councillors and the most royalist of the judges. There sat Strafford with his policy of the thorough enforcement of the will of a more or less enlightened despotism irrespective of the wishes of an awakening nation. The leading pleader was the king's attorney-general. Good royalist doctrine was constantly proclaimed there. On the very eve of the downfall of the system we hear the Archbishop of Canterbury quoting Gregory of Nazianzen's aphorism that “kings are living representatives of Almighty God”.

<sup>24</sup> Coke, *Fourth Institute*, ch. 5; Camden, *Britannia* (1594), p. 112; Lambard, *Archeion* (1635), p. 217; Hudson, pt. 1., sect. 1.

During this period there is an obvious increase in the number of cases directed to the punishment of those who opposed or were disrespectful to officials, clergymen, or the sovereign, and a corresponding increase in the savagery of their punishment. Scores of men were prosecuted for resisting or abusing justices, bailiffs, or their clerical superiors. Two knights were fined, imprisoned, and made incapable of bearing office for the future because they had hindered the royal commission on knighthood, appealing to Yorkshiremen to stand for their rights and liberties, declaring that the Council of the North was "but a paper Court", and making other unseemly comparisons. A London merchant who in 1620 before the Council Board had "falsely, maliciously and seditiously said" that the merchants were "more screwed and wronged and discouraged in England than they are in Turkey", was sent before Star Chamber, fined £2000 and sentenced to make an humble apology at the Royal Exchange. In the same year another man who had repeated a rumor he had heard that the king went to mass with the queen, was fined £5000, committed to prison, and ordered to wear a paper on his head declaring his offense, and orally confess his fault in Star Chamber, at the bars of all the courts at Westminster, at Paul's Cross in London, and at the assizes of Suffolk and Huntingdonshire. This sentence does not strike one as a specially effective means of quieting a rumor, but it is typical of the fact that men were now being punished by the Court of Star Chamber not as offending individuals only, but as members of a party offensive to the government.

A few years later its policy was more severe, as may be seen in the well-known case of Prynne. In 1633, Prynne, a lawyer, a graduate of Oxford, and a man of learning, who was already deep in the religious pamphlet warfare of the day, published his *Histrion Mastix: the Player's Scourge or Actor's Tragoedie*. Archbishop Laud, who already knew and hated him, appointed one of his clerks to go through the vast volume of eight hundred quarto pages and cull out objectionable passages. Of these there was such an abundant crop that the author, the printer, and the archbishop's official who had licensed the book were all prosecuted by the attorney-general before Star Chamber. Prynne was charged with publishing a scandalous and libellous book against the state, the king, and the commonwealth. So offensive were his opinions and expressions found to be that after a trial lasting three days he was sentenced to pay a fine of £5000, to be perpetually imprisoned, to be deprived of his degree from the university and expelled from the Inns of Court, to stand in the pillory at Westminster and Cheapside, to have an ear cut off

at each place, and to wear a paper declaring his offense. His books were to be called in and all copies publicly burned in Cheapside. This condemnation was accompanied with expressions of horror and contempt from every one of his nineteen judges. Prynne, crushed by his sentence, wrote an humble submission, and petitioned the Council to intercede with the king for a mitigation of his sentence. But nothing was yielded and the only alleviation that came to him was the slight mercy of the hangman who in return for a petty payment only cropped his ears, instead of actually cutting them off. On the other hand, his books were burned so close under the pillory at Cheapside that he was almost smothered with the smoke.

But even in his prison Prynne continued to write, and in 1636 secretly published two more pamphlets abusive of the established church. He was then, together with two other pamphleteers, Henry Burton and John Bastwick, brought before Star Chamber and they were all sentenced to stand in the pillory, to have their ears cut off (in the case of Prynne that part of them which the hangman had previously left), to be fined £5000 each and to be imprisoned for life without the use of pen or paper in three distant castles of Wales and the north. Prynne was also, on the special motion of Chief Justice Finch, ordered to be branded on the forehead with the letters S and L, Seditious Libeller. At this second punishment he fainted in the pillory, when after two hours' exposure the hangman did his work of cutting, as we hear, "very scurvily". Expressions of sympathy were now heard everywhere, and the journey of these men to their various prisons was an occasion for personal attentions from many men whom the policy of the government was fast consolidating into a party. The Council went one step farther and after some months transferred Prynne to the castle of Mount Orgueil, in the island of Jersey, and the others to similar prisons far from the conflicts of opinion in England.<sup>25</sup>

These are only the most famous cases in Star Chamber during these ten years, when no Parliament was in session and the ministers carried everything their own way. When opposition was made to the collection of ship-money, the sheriffs of seven counties were in 1640 summoned before the Star Chamber for malfeasance in office in their neglect to enforce its payment. Wentworth prosecuted there some men who had made ill reports of his action in Ireland. Even a compromising bishop fell into the toils of the law of libel and subornation of perjury, and was fined and imprisoned in Star Chamber.

<sup>25</sup> *Documents relating to the Proceedings against William Prynne* (Camden Society, 1877), pp. 1-69.

In the year 1640 came the reckoning. The Short Parliament of April and May met and was dissolved with no mention of Star Chamber except an isolated complaint against it for helping to enforce royal monopolies and illegal taxation. When the Long Parliament opened in November of that year, and the demolition of the fabric of autocratic government was deliberately undertaken, the Court of Star Chamber received the first blows directed against it. On the first working day of Parliament a petition was presented to the House of Commons from Susannah Bastwick and Sarah Burton, the wives of those two victims of Star Chamber prosecution, and from John Brown, servant of William Prynne, complaining of the injustice of their sentences, the severity of their punishment, and their exile and sequestration. The House of Commons immediately ordered the prisoners to be released and brought by warrants issued in its name to plead their cause before it. Similar petitions soon came from other prisoners and called forth similar action. The introduction of the petitions was the occasion for speeches attacking the recent actions of ministers, councillors, and judges, in which can be clearly seen the intention of the parliamentary leaders to reorganize the government. Pym, Bagshawe, and Grimstone seldom failed to include the Court of Star Chamber in their complaints as they denounced the abuses of recent government. Early in December Prynne and his companions arrived in London from their various places of exile, in the custody of officers of the House of Commons.

A committee of the House was appointed to examine these cases and to take into consideration among other things the general question of the jurisdiction of the Court of Star Chamber. Within the next few weeks reports were made from the committee, in accordance with which many of the decisions of Star Chamber were reversed, declared "bloody, wicked, cruel and tyrannical", and those who suffered by them restored to their estates and honors and given damages against their judges. Early in March a violent speech against Star Chamber was made by Lord Andover in the House of Lords. March 30 a bill "for reforming the Privy Council and the Court called the Star Chamber" was brought by the committee into the House of Commons. June 9 this bill was finally passed and sent to the House of Lords. On July 8 the two houses had a conference on the bill, the Lords asking that the Court of Star Chamber should simply be limited in its powers and regulated, not abolished as proposed in the original bill. They yielded, however, to the pressure of the Commons, the bill was laid before the king, and after two or three days of reluctant delay he called the two houses



before him July 5 and gave his consent to the statute, described as "An Act for the Regulating of the Privy Council and for taking away the Court commonly called the Star Chamber". It appears on the statute book as 16 Chas. I., c. 10, and is still the law of the land.<sup>26</sup>

But the Court of Star Chamber did not fall alone. Strafford was impeached in the same week with the first relief given to its victims. The impeachment of Laud was but a few days separated from the introduction of the bill for its abolition. Secretary Windebank was driven into flight during the progress of the debates. Lord Keeper Finch, after a brilliant exculpatory address in Parliament, was nevertheless impeached, and only escaped an almost certain conviction and execution by a wild journey across the Channel in an open boat. During the same months the judges had been subjected to serious attacks. The three judges of the Exchequer who had given the ship-money decision were arrested. Justice Crawley was impeached, Chief Justice Berkeley was arrested by a messenger of the House of Commons as he sat in his seat in the Court of King's Bench in Westminster Hall. The lesser ministers as well as the greater suffered. The name of Cottington, chancellor of the Exchequer, to whom as the lowest official in the Council it had so often fallen to propose the harsh punishments of Star Chamber, was on a list of proscriptions prepared by the parliamentary leaders.

The old system had fallen and the Court of Star Chamber had fallen with it. By July, 1640, the date of its abolition, of the group of councillors and judges who had sat in this court during the years that preceded the Long Parliament, the ablest, Strafford, had closed his stormy life on Tower Hill, his bitter "put not your trust in princes" scarcely silent on his lips. The Archbishop of Canterbury, Laud, was fretting in the Tower, granted as a concession to his earnest prayers the use of pen and ink he had denied to Prynne and his fellow Puritans, and looking forward to the death on the scaffold that was soon to follow. Windebank was an exile in Holland and Finch in France. The king himself, the centre of the whole system, surrounded by a new and untrusted group of councillors, bound by constantly narrowing bonds of restrictive laws, was already drifting into that fatal policy which was to lead on to civil war, then to the scaffold at Whitehall, only a few rods from the Star Chamber.

EDWARD P. CHEYNEY.

<sup>26</sup> *Statutes of the Realm*, V. 110-112.